

RENTON CITY COUNCIL
Regular Meeting

September 16, 2002
Monday, 7:30 p.m.

Council Chambers
Renton City Hall

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

TONI NELSON, Council President; DAN CLAWSON; KATHY KEOLKER-WHEELER; KING PARKER; DON PERSSON; RANDY CORMAN. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL EXCUSE ABSENT COUNCILWOMAN TERRI BRIERE. CARRIED.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUE CARLSON, Economic Development Administrator; ALEX PIETSCH, Economic Development Director; REBECCA LIND, Planner Manager; MIKE WEBBY, Human Resources Administrator; JUDGE TERRY JURADO, Municipal Court; DEREK TODD, Assistant to the CAO; COMMANDER KATHLEEN MCCLINCY and COMMANDER FLOYD ELDRIDGE, Police Department.

PROCLAMATIONS

Race Equality Week –
September 23 to 27, 2002

A proclamation by Mayor Tanner was read declaring the week of September 23 to 27, 2002, to be "Race Equality Week" in the City of Renton, and encouraging all citizens to join in this special observance to reaffirm our commitment to ensuring racial equality and justice in the City. MOVED BY KEOLKER-WHEELER, SECONDED BY PARKER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Added

Trick-or-Treat for UNICEF
Day – October 31, 2002

A proclamation by Mayor Tanner was read declaring the day of October 31, 2002, to be "Trick-or-Treat for UNICEF Day" in the City of Renton, and encouraging all citizens to join in this special observance. MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

PUBLIC HEARING

Planning: Secure Community
Transition Facilities (for Level
III Sex Offenders)

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the regulation of Secure Community Transition Facilities (SCTF) land uses which are facilities for Level III sex offenders.

Rebecca Lind, Planner Manager, described the facilities as small secure residential treatment facilities of three to twelve beds for on-site treatment and transition of sex offenders to community-based housing. The facilities allow visitation and escorts are required for residents when they leave the facility. She stated that the facilities will house the highest level of sex offenders, Level III, who are currently incarcerated on McNeil Island. The offenders have completed their required sentences and have been deemed "likely to re-offend."

Ms. Lind explained that because of a federal court ruling, the State is required to create a "less restrictive living alternative" for offenders that have served their sentences but still require treatment before they can be released. In response to the ruling, the State adopted legislation requiring the siting of SCTF in local communities, and King County must accept its fair share of offenders which is projected by the State Department of Social and Health

Services (DSHS) to be five to fifteen. The State requires that counties and cities adopt zoning regulations and establish siting and operational criteria by October 1, 2002, and jurisdictions that fail to enact zoning face preemption by the State for the siting of the facilities.

Continuing, Ms. Lind explained that preemption means the State may select a site and build the SCTF regardless of local codes and regulations; however, the sites must meet legislative criteria, and there are a number of potential sites throughout Renton. She stated that the City can choose either preemption or the adoption of zoning regulations, both of which result in the potential siting of the SCTF. Ms. Lind reviewed the State preemption process and siting requirements, noting that sites cannot be located adjacent to or within the "line of sight" of "risk potential activities" such as existing schools and recreation centers.

Ms. Lind explained that if the City adopts zoning to control the site location, the City would apply the State criteria to limited locations within the City. She stated that the zoning regulations that staff proposes would allow the facilities in the IM (Medium Industrial) and IH (Heavy Industrial) zones in the Employment Area Valley land use designation south of I-405, and would establish Conditional Use Permit review criteria. She noted that the review criteria would address the siting of the facility and not whether the facility would be sited. In addition, staff is proposing that the facility be limited to six beds, and not be within 330 feet of residential zones or within one mile of existing similar facilities.

Continuing, Ms. Lind reviewed the reasons why staff is proposing a six-bed facility, and stated that that DSHS has reviewed the City's proposal and recommends reconsideration of the six bed limit so that there is an option to expand to twelve beds. Stating that the proposed regulations allow for six beds, and an expansion would be considered a new application, she noted that DSHS considers that restrictive and not in compliance with State legislation. Ms. Lind stated that it is unclear if specifying the six-bed limit would trigger the State to preempt the City's zoning regulations in their entirety.

Ms. Lind concluded by saying staff recommends that the City enact the zoning regulations. Reviewing the next steps in the process, Ms. Lind indicated that the matter will be discussed by the Planning & Development Committee on September 19th, and the Committee will recommend action to Council at the September 23rd Council meeting.

Public comment was invited.

Allen Ziegler, DSHS Special Commitment Center Community Programs Manager, PO Box 45322, Olympia, 98504, expressed his concern regarding the maximum number of resident beds allowed in the zoning regulations proposed by the City. Stating that although DSHS currently does not know how many beds would be built at any one SCTF location, he indicated that an option proposed to the Governor by DSHS is to site a twelve-bed facility designed as two six-bed buildings on one site, with the construction of the second six-bed building when needed.

Mr. Ziegler stated that DSHS has no objections if the City's intent is to allow a six-bed facility with the possibility of expansion to twelve beds; however, DSHS has objections if the intent is to limit the size of the facility to no more than six beds. He also stated that DSHS has no objections to the proposed

regulations pertaining to the separation of sites from residential zones and the one-mile separation from other similar facilities. Mr. Ziegler concluded by thanking Council and City staff for their work on this matter.

Arland "Buzz" Johnson, 334 Wells Ave. S., #221, Renton, 98055, commented that it is strange that the State may site a twelve-bed facility in Renton, since Renton has only a small portion of the total population of King County. He agreed with the City's proposal to site the facility in an industrial zone, away from residential areas.

Mayor Tanner pointed out that Renton is not volunteering to site the facility, but is proposing zoning regulations to prevent preemption by the State. Councilwoman Keolker-Wheeler stated that facilities will be sited all over the State, and emphasized that at this time, the State is not proposing a facility in Renton.

There being no further public comment, it was **MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.**

For the record, Councilwoman Keolker-Wheeler asked what the process is if the State should decide to challenge or preempt a portion of the City's zoning regulations if the facility is sited in Renton. Stating that DSHS is still working its way through this process which continues to evolve, Mr. Ziegler emphasized that preemption is not a course DSHS wants to take and would rather work with the jurisdiction. Mr. Ziegler expressed his doubt that DSHS would preempt the zoning regulations in their entirety rather than just those portions DSHS disagrees with.

Responding to Mayor Tanner's inquiry regarding whether preemption is a judicial process, Mr. Ziegler said that the State does have the authority for preemption and does not need to go through the courts.

In response to Council inquiry, Mr. Ziegler stated that DSHS would take into consideration the number of offenders already confined in a local jurisdiction. Regarding the security of the facilities, he described the measures that will be taken which include: staff training; a mostly one-to-one, staff-to-resident ratio; an escort whenever the resident is out in the community; and the use of monitoring devices.

Councilman Parker commented that this matter has been studied in depth by the Planning & Development Committee, and pointed out that the federal government is requiring states to site these facilities and in turn, the State is requiring local jurisdictions to do the same. By enacting zoning regulations, Mr. Parker indicated that the City is accommodating the requirements while still maintaining some control in the matter.

Councilwoman Keolker-Wheeler expressed her concerns regarding the Conditional Use Permit process, and the Council's role as an appellate body if the State's authority prevails. She encouraged citizens to submit comments on this topic prior to the Planning & Development Committee meeting on September 19th, and expressed her appreciation to State Senator Jim Horn for attending the Council meeting, and to City staff, the Planning Commission, and DSHS representatives for their work on this matter.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington, reviewed a written administrative report summarizing the City's recent progress towards goals and work

programs adopted as part of its business plan for 2002 and beyond. Items noted included:

- ✱ In order to better understand citizen perception of and satisfaction with City services, the City of Renton recently hired Elway Research, a professional survey research firm, to conduct a public opinion telephone survey of 400 randomly selected Renton households. Results of the survey will allow the City to assess the gap between the importance citizens attach to a service and their evaluation of the City's performance in that area, and the importance and priority of spending tax dollars on specific services.
- ✱ The Men's Fall Flag Football League, sponsored by the Recreation Division, began Thursday, September 12th at Cedar River Park. Over 85 men are participating this year.

Transportation: I-405 Corridor Program, State Senator Jim Horn

Councilman Corman thanked State Senator Jim Horn for his role on the I-405 Executive Committee, and praised his contributions in the selection of the transportation projects listed on Referendum 51 (the statewide transportation funding plan) that will go before voters on the November ballot.

AUDIENCE COMMENT
Citizen Comment: Johnson – Renton Beautification Using Landscaping

Arland "Buzz" Johnson, 334 Wells Ave. S., Apt. 221, Renton, 98055, detailed the City's need for more flowers, and flowering and colorful trees. He displayed photos of communities in the eastern part of the United States depicting this type of landscaping, and photos of areas in Renton, such as Williams and Wells Avenues S., which lack trees along the sidewalks. Mr. Johnson indicated that planting flowers and trees along streets and in the parks would add beauty and attract more people to the City.

Councilman Corman expressed his appreciation for Mr. Johnson's ideas, and commented that the City has been aggressive in this area and has installed hanging flower baskets. He also pointed out that the City's Neighborhood Grant Program has funds available for beautification projects, and he encouraged neighborhood groups to apply for these funds. Indicating that he lived on the East Coast most of his life prior to coming to Washington, Mayor Tanner commented on the true natural beauty of the Pacific Northwest.

Citizen Comment: DeMastus – Highlands Community Association

Sandel DeMastus, Highlands Community Association (HCA) President, 1137 Harrington Ave. NE, Renton, 98033, stated that Renton Code Compliance Inspector Bob Arthur will speak at the next HCA meeting scheduled for September 26th. In addition, she announced the speakers scheduled to talk at upcoming HCA meetings.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Council Meeting Minutes of September 9, 2002

Approval of Council meeting minutes of September 9, 2002. Council concur.

CAG: 02-115, Airport Security Gate Replacement, CA Carey

City Clerk reported bid opening on 8/28/2002 for CAG-02-115, Renton Airport Security Gate Replacement; three bids; engineer's estimate \$167,383.90; and submitted staff recommendation to award the contract to second low bidder, C.A. Carey Corporation (the low bidder withdrew their bid), in the amount of \$346,941.44. Refer to Transportation (Aviation) Committee for discussion of funding.

City Clerk: Citywide Records Inventory, CRE8 Inc

City Clerk recommended approval of an agreement with CRE8, Inc. in the amount of \$60,000 to conduct a Citywide records inventory, develop records

retention schedules, and assist with City records policy. Refer to Finance Committee.

CAG: 01-201, Downtown Parking Garage, Parking Equipment Installation

Community Services Department recommended approval of a change order in the amount of \$185,879.52 to CAG-01-201, Downtown Parking Garage construction contract, for Secom International to install parking equipment. Refer to Finance Committee.

Community Services: Aquatic Center Design, Northwest Architectural Company

Community Services Department recommended approval of an agreement with Northwest Architectural Company in the amount of \$396,326 to design the Renton Aquatic Center. Refer to Finance Committee.

EDNSP: Planning Commission Member Reduction, Department Organization

Economic Development, Neighborhoods and Strategic Planning Department recommended reducing the number of Planning Commission members from nine to seven and updating City Code to reflect the current department organization. Refer to Planning Commission and Planning & Development Committee.

Plat: Parkview Homes, NE 24th St (PP-02-061)

Hearing Examiner recommended approval, with conditions, of the Parkview Homes Preliminary Plat; ten single-family lots on 1.77 acres located at the northeast corner of NE 24th St. and Camas Ave. NE (PP-02-061). Council concur.

Legal: Harbor Regulations Ordinance

Legal Division recommended adoption of an ordinance relating to harbor regulations in order to comply with Washington State statutes. Refer to Public Safety Committee.

Transportation: Commute Trip Reduction Program Services, King County

Transportation Systems Division recommended approval of an agreement with King County Department of Transportation to provide Commute Trip Reduction (CTR) services to 27 affected employers in the City of Renton for 2002-2003. Refer to Transportation (Aviation) Committee.

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

Councilwoman Keolker-Wheeler recommended that a presentation be scheduled regarding the Downtown Parking Garage parking equipment installation. She also recommended that when the Public Safety Committee discusses the harbor regulations ordinance, they look at strengthening the legislation in regards to the seaplane issue.

OLD BUSINESS **Public Safety Committee**

Legal: Dangerous Dog Regulations

Public Safety Committee Chair Clawson presented a report regarding the dangerous dog ordinance. The Committee convened to consider the ordinance revising dangerous dog regulations on September 9, 2002. The State legislature recently changed State law regarding how government will deal with dangerous dogs. The legislation raised the insurance requirements from \$50,000 to \$250,000. It removed references to vicious dogs, and it created a process to have a dog declared dangerous and an appeal process.

While the City currently has a process, and the new law does not require that the City change it, the Committee considered the new legislation and believed it would be in the best interest of Renton citizens to adopt a similar procedure as the one outlined in the new legislation. The new legislation also removes references to vicious dogs. Current City Code subjects the owner of a vicious dog to a criminal citation if the dog is at large. The City would keep this regulation but remove the requirement that owners of vicious dogs must obtain liability insurance.

The Committee recommended that the Council adopt an ordinance that raises the insurance requirements to \$250,000, removes certain references to vicious dogs, and changes the current process regarding declaring a dog dangerous. In the event an owner of a dangerous dog cannot meet the insurance requirements and the requirements to secure the dog, the dog will be humanely destroyed. MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Responding to Councilman Corman's inquiry as to why insurance is not required for vicious dogs, Councilman Clawson stated that the Committee did not want to impose insurance requirements for dogs that may have propensities to cause danger to other animals or people but have not demonstrated those actions.

*MOTION CARRIED. (See page 360 for ordinance.)

Planning & Development Committee

Planning: Countywide
Planning Policies re Urban
Separators

Planning and Development Committee Chair Keolker-Wheeler presented a report regarding the 2002 Countywide Planning Policy amendment regarding Urban Separators. The Committee met on September 12, 2002, to consider the proposed designation of Urban Separators in the City of Renton and Renton's Potential Annexation Area. The Committee recommended that the City Council support designation of 118 acres of R-1 (Residential Single Family; one dwelling unit per acre) zoned land, and wetland areas within the City as part of Countywide Urban Separator in exchange for removing the Urban Separator Designation from 76 acres located east of Talbot Rd. S. in Renton's Potential Annexation Area. MOVED BY KEOLKER-WHEELER, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Utilities Committee

CAG: 02-120, Springbrook
Springs Watershed Property
Fencing Installation, F & H
Fence Co

Utilities Committee Vice Chair Keolker-Wheeler presented a report regarding the Springbrook Springs Watershed property fencing installation project bid award and adjustment of funds for Water Utility capital improvement projects. The Committee recommended concurrence in the recommendation of the Planning/Building/Public Works Department that Council approve the transfer of \$35,000 within the 2002 appropriation of funds for Water Utility capital improvement projects. The additional funding is needed to cover additional property boundary survey work and fencing installation costs. The transfer will be from the Springbrook Springs land acquisition budget (account no. 421.000500.018.5960.0034.61.055540) to the Springbrook Springs fence budget (account no. 421.000500.018.5960.0034.63.055540).

The Committee further recommended that Council award the construction contract for the Springbrook Springs Watershed property fencing installation project to the low bidder, F & H Fence Co., Inc., in the amount of \$54,270.80. MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Municipal Court: Passport
Services Revenue

Councilwoman Keolker-Wheeler distributed information to Councilmembers regarding passport services revenue collected in King County, and noted that the administrative fee collected for each passport application has increased from \$15 to \$30. Mayor Tanner commented that the Renton District Court has collected \$27,064 in revenue so far in 2002, and stated that the City's Municipal Court is reviewing whether offering passport services is feasible.

Finance Committee

Legal: Bonding for Small
Contracts

Finance Committee Chair Parker presented a report regarding bid and performance bonding for small contracts. The Committee concurred with the staff recommendation to authorize the Mayor to waive the performance bond requirements under certain conditions for contracts at or under \$50,000. The Committee further concurred that bid bonds should be waived under certain conditions for contracts at or under \$100,000. **MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Human Resources:
Community Services Dept
Positions Reclassifications

Finance Committee Chair Parker presented a report recommending concurrence in the staff recommendation to approve the proposed reorganization and related salary adjustments of the following job classifications within the Community Services Department:

<u>Title</u>	<u>Grade Change</u>	<u>Budget Change</u>
Facilities Director	Grade m37 to m38	\$616
Parks Director	Grade m37 to m38	\$616
Recreation Director	Grade m37 to m38	\$616
Library Director	Grade m37 to m38	\$616
Human Services Manager	Grade m26 to m28	\$962.50

The changes are to be effective September 16, 2002. The reorganization will eliminate the position of Capital Improvements Project Manager (grade m28) and replace it with a lower paying Capital Improvement Project Coordinator (grade a25). By this action, the request for an additional limited term Project Manager position (referred to Finance Committee on July 22, 2002) is rescinded. These changes will not require additional budget appropriations.*

Mr. Parker explained that the readjustment of resources in the Community Services Department eliminates the need for the previously requested Project Manager position.

***MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Human Resources: Municipal
Court Judge Position
Reclassification to Grade e11

Finance Committee Chair Parker presented a report recommending concurrence in the staff recommendation to approve the proposed salary adjustment for the Municipal Court Judge position. This adjustment will bring the Judge's salary to a level at or slightly above the median salary of comparable cities.

Staff recommends placing the Municipal Court Judge's position in salary grade e11 with a monthly salary of \$8,440 effective September 16, 2002. It is recommended that current incumbent Terry Jurado, be placed at step E of the e11 salary grade. The cost for the proposed salary adjustment is outlined below and funds are available in the current budget.

New Proposed Salary:	\$8,440.00
Current Monthly Salary:	<u>\$8,033.00</u>
Additional Salary:	\$ 407.00 (A total of \$1,424.50 for the remainder of 2002 – 3.5 months)

MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Responding to Councilwoman Keolker-Wheeler's inquiry regarding the Municipal Court Judge's salary grade, Chief Administrative Officer Jay

Covington explained that salary grade e11 is equivalent to salary grade 44, the "e" signifying an elected official. He confirmed that the position received a 5% salary adjustment.

Human Resources: Grade Establishment, Crime Analyst, Domestic Violence Victim Advocate, CDBG Specialist

Finance Committee Chair Parker presented a report regarding the establishment of a salary grade for the new Crime Analyst position, and the change from limited term to regular status of the Domestic Violence Victim Advocate and CDBG Specialist positions. The Committee concurred in the recommendation of staff that salary grade pn61 be established for the Crime Analyst position at the monthly salary range of \$2,984 - \$4,169 (annual salary at step A is \$35,808) effective September 1, 2002.

The Finance Committee concurred in the recommendation of staff that the following two positions become regular full-time positions. The positions are currently funded through grants and are in a limited-term status. If the funding sources are not available, the positions may be eliminated.

Domestic Violence Victim Advocate: established at salary grade pn60 with a monthly salary range of \$2,845 - \$3,975 (annual salary at step A is \$34,140). The position currently exists in the Human Services Division of the Community Services Department at salary grade a14, and will be transferred to the Police Department. Staff recommended that the current grade (a14) be established in the Police Department. This grade is justified through a salary comparison completed by the Human Resources Department.

CDBG Specialist: current salary grade is a18 with a monthly salary range of \$3,598 - \$4,382. Staff recommended that this position remain in grade a18 and become a regular full-time position. This position will remain in the Human Services Division.

The above changes are to be effective September 1, 2002. The changes to the Domestic Violence Victim Advocate and CDBG Specialist positions will not require additional budget appropriations. MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Community Services Committee

Human Services: Crisis Clinic as 211 Call Center

Community Services Committee Chair Corman presented a report regarding the 211 Call Center. The Committee was briefed on the possibility of instituting a Crisis Clinic as a 211 Call Center. The Committee concurred in the recommendation of staff to take no further action on this issue at this time. MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

In response to Council inquiry, Councilman Corman confirmed that the item will be removed from the Community Services Committee referral list.

Appointment: Planning Commission

Community Services Committee Chair Corman presented a report recommending concurrence in the Mayor's appointment of Jerrilynn Hadley to the Planning Commission for a three-year unexpired term, which expires 1/31/2004, replacing Beverly Franklin who resigned.*

Councilman Corman introduced Ms. Hadley and stated that she is highly qualified and will be an asset to the Planning Commission.

*MOVED BY CORMAN, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Ms. Hadley expressed her appreciation for being appointed to the Planning Commission, saying that she will endeavor to do her best for the City.

**ORDINANCES AND
RESOLUTIONS**

Legal: Dangerous Dog
Regulations

The following ordinance was presented for first reading and referred to the Council meeting of 9/23/2002 for second and final reading:

An ordinance was read amending Sections 6-6-4, 6-6-8, and 6-6-9 of Chapter 6, Animals and Fowl at Large, of Title VI (Police Regulations) of City Code by amending definitions and procedures related to dangerous dogs. **MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 9/23/2002.**
CARRIED.

NEW BUSINESS

Police: Civil Infraction Fines
& Penalties

MOVED BY CLAWSON, SECONDED BY PARKER, COUNCIL REFER THE SUBJECT OF FINES AND PENALTIES FOR CIVIL INFRACTIONS TO THE PUBLIC SAFETY COMMITTEE. **CARRIED.**

ADJOURNMENT

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL ADJOURN.
CARRIED. Time: 9:17 p.m.



BONNIE I. WALTON, City Clerk

Recorder: Michele Neumann
September 16, 2002